

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division

ELMO AUGUSTUS REID,

Plaintiff,
vs.Civil Action No.
7:16-cv-00547MARK AMONETTE, et al.,
Defendants.

DEPOSITION OF STEPHEN M. HERRICK, PH.D.

April 12, 2018
2:00 p.m. - 4:09 p.m.
Richmond, Virginia

Job No. 36488

REPORTED BY: LORI A. BOEDING, CCR

Page 14

1 discussions?

2 A At the time, neither Dr. Amonette nor
3 Dr. Sterling thought that it was needed.4 Q And have there been any subsequent
5 discussions about increasing capacity of treatment?6 A Dr. Amonette has told me that he was
7 approached by Dr. Sterling; that they might be able to
8 take more slots. That's all -- I know that's
9 secondhand. I've never spoken with Dr. Sterling.
10 I've never met him.11 Q If Dr. Amonette were going to work out a
12 plan with Dr. Sterling to increase capacity, would he
13 have to -- would Dr. Amonette have to discuss that
14 with you?

15 A No, not necessarily.

16 Q When would he have to discuss it with you?
17 MR. MCNELIS: Objection to the form of the
18 question. You may answer it.19 THE WITNESS: If it was going to change the
20 contract arrangement or the memorandum of
21 understanding. But we have tweaks to the system
22 in multiple clinics, you know, different
23 providers that are happening frequently.

24 BY MS. MROZ:

25 Q So if it was going to cost more money for

Page 15

1 the Virginia Department of Corrections, is that maybe
2 something, because it would substantively change the
3 contract, that he would have to come to you about?

4 A We have -- honestly, we don't talk about
5 the cost. We are given -- Because our director has
6 been pretty clear that if it's clinically necessary,
7 we will find the money for it.

8 Q Right. My question is, though -- okay. So
9 the compensation under the contract here is \$13,416
10 per month, and that's section VI at the bottom of the
11 first page.

12 A Okay.

13 Q So if Dr. Sterling and Dr. Amonette were
14 talking about a plan and Dr. Sterling said, yeah, I
15 can do more, but it's going to cost -- you know, I've
16 run the numbers, and it's going to cost the VDOC
17 \$20,000 a month, does Dr. Amonette have the authority
18 to say, okay, and sign?

19 A No, he would typically come to me. And
20 this 13,000 was, I think, for a previous position, but
21 I don't know the whole history. So, yes, then it
22 would be Penny Trentham, which is the vice president
23 of managed care at VCU, would typically be the one
24 that she and I would talk about the conditions of the
25 contract.

Page 88

1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Lori A. Boeding, CCR, Notary Public in
3 and for the Commonwealth of Virginia at Large, and
4 whose commission expires August 31, 2020, do
5 certify that the aforementioned appeared before me,
6 was sworn by me, and was thereupon examined by
7 counsel; and that the foregoing is a true, correct,
8 and full transcript of the testimony adduced.

9 I further certify that I am neither related to
10 nor associated with any counsel or party to this
11 proceeding, nor otherwise interested in the event
12 thereof.

13 Given under my hand and notarial seal at
14 Richmond, Virginia, this 2nd day of May 2018.

15

16

17

18

19 Lori A. Boeding, CCR

20 Notary Public Registration No. 239861

21 Commonwealth of Virginia at Large

22

23

24 Job No. 36488

25